

comparing the payment to a group balance, wherein the group balance is an aggregate of outstanding balances on at least two accounts within the group of accounts; and

wherein applying the portion of the payment to the at least one credit account, and to the at least one other account within the group of accounts is based at least in part upon the comparison between the payment and the group balance.

75. (Added Herein) The method of claim 74, the method further comprising:

identifying a group payment option; and

calculating the portion of the payment to be applied to the at least one credit account, and the portion to be applied to the at least one other account based at least in part on the group payment option.

REMARKS

Claims 9-22 and 62-72 have been examined in this application. Independent claims 9 and 17 have been amended, and no claims have been canceled. Claims 73-75 including limitations discussed with the Examiner at the Examiner's interview have been added. Hence, claims 9-22 and 62-75 remain pending. Reconsideration of the subject application is respectfully requested.

Claims 9-16 and 62-72 have been rejected under 35 U.S.C. § 103(a) as obvious over Walker et al., U.S. Patent No. 6,128,599 (hereinafter "Walker et al."), in view of Auriemma, U.S. Patent No. 5,513,102 (hereinafter "Auriemma"), or Burke, U.S. Patent No. 5,621,640 (hereinafter "Burke").

Claims 17-22 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Walker et al. in view of Auriemma or Burke as applied to claims 1-16 and 62-72 above, and further in view of Musmanno et al.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Applicants thank the Examiner for granting the Examiner's interview on February 11, 2003, and for frankly discussing the limitations of the cited art in light of the claims at issue. Applicants have added claims 73-75 below that include limitations suggested by the Examiner that provide an additional basis for allowing the claims over the cited art. In addition, Applicant identifies various exemplary elements within the previously existing claims that are not taught, disclosed, nor suggested by the cited art. In addition, Applicant amends independent claims 9 and 17 to include additional limitations not disclosed, taught or suggested by the cited art.

For example, claim 17 provides a method for applying a group payment to a group that includes both a key account and a dependent account. The method includes determining whether a payment is a group payment, and determining whether payment for the dependent account is due from a primary owner for the group or from a dependent cardholder associated with the dependent account. If it is found that payment for the dependent account is due from the group, then the payment is applied to both the key account and the dependent account in a prescribed manner. As will be appreciated, for claim 17, the key account and the dependent accounts are both liability accounts, such as credit card accounts as is more fully detailed in the specification.

At the outset, it should be recognized that the cited art does not teach, disclose or suggest a key account/dependent account relationship within a group. Thus, the cited art fails to support a prima facie case of obviousness. Further, the cited art does not disclose teach or suggest applying a unified payment in satisfaction of a liability across multiple accounts, and thus for this additional reason, the prima facie case fails. Yet further, the cited art does not disclose teach or suggest the process whereby the received payment is applied across the key and dependent account, and for this additional reason the prima facie case fails.

As another example, the prima facie case for claim 9 is also flawed. Claim 9 provides a method for applying a unified group payment to satisfy obligations

associated with two or more accounts maintained in an account group. The very basic subject matter of the method includes, *inter alia*, receiving a group payment, and applying the group payment to one or more accounts within the group in accordance with a group payment allocation.

Each of the cited references fails to address even this very basic subject matter. In fact, the primary reference, Walker et al., does not even address the application of payments to credit accounts. Rather, as the title of Walker et al. suggests, it discloses a method for processing reward offers associated with credit cards offered by "affinity groups". Such affinity groups include "trade groups, alumni associations, religious organizations, sports teams and professional organizations." *Walker et al.* at col. 1, ll. 37-39. "One example, of an affinity credit card is the People's Bank Visa Card that is sponsored by the National Rifle Association (NRA)." Use of such cards can result in a reward to the affinity group, or in this case the NRA based on usage of the credit card by members of the NRA. *See e.g., Id.* at col. 4, ll. 50-57. Walker et al., is thus concerned with methods to define, manage and evaluate group reward offers in a way that induces behavior desired by a bank issuing the credit cards, not in processing payments in relation to such cards. *Id.* at col. 2, l. 39 - col. 3, l. 18.

The Office Action seems to note this failure of Walker et al. by trying to replace the term "payment" with "reward". *Office Action* at p. 2. Even the broadest reading of the term "payment" fails to read on a "reward" in the sense that it is use in Walker et al. Rather, as used in claim 9, a payment is the transfer of value to satisfy or settle a credit account. In contrast, as used in Walker et al., a reward is something given in return for use of a credit card. Accordingly, the rejection is flawed. In part because of this fundamental difference between Walker et al. and even the basic subject matter of claim 9, the rejection based on Walker et al. strains by citing portions of Walker et al. that are often unrelated to the proposition for which they are cited.

For example, the Office Action asserts that col. 5, ll. 28-60 of Walker et al. teaches that a "target is determined and there is determined whether the target allows for a group payment". *Office Action* at p. 2. However, nothing in Walker et al. addresses

a group payment, and of no surprise, the cited passage is unrelated to the proposition for which it is cited. More specifically, the cited passage teaches the use of a "reward preference field" identifying the type of reward preferred by an affinity group and fields that indicate the activity volume of the affinity group and the level at which rewards are achieved. *Walker et al.* at col. 5, ll. 39-52. Then, the cited passage states that this information can be used as "criteria which may be used to determine performance targets in an effort to influence cardholder behavior." *Id.* at col. 5, ll. 53-60. As would be appreciated by one of ordinary skill in the art, such disclosure of Walker et al. does not teach, disclose or suggest determining whether a group payment can be applied, as it makes no mention of such subject matter, nor even an illusion to processing a payment. Each of the other elements of the rejection are similarly flawed.

Auriemma and Burke are cited for disclosure that are argued to teach receiving a payment and determining whether the payment is a group payment. In view of the above, it is respectfully submitted that even if, *arguendo*, Auriemma and/or Burke were to disclose such, it would not cure the failure of Walker et al. to address even the basic subject matter of claim 9, let alone each limitation of claim 9. Hence, because no prima facie case has been made, Applicant respectfully requests withdrawal of the rejection and allowance of claim 9 for at least this reason.

Further, none of the references provide teaching, motivation or suggestion to combine the references in any way that would render claim 9 obvious. Rather, the aforementioned references teach unrelated subject matter. Auriemma discloses a method that monitors activity associated with a credit card, and rewards such activity by distributing lottery tickets to the card holder. *See e.g., Auriemma* at col. 3, ll. 12-15 and 37-49; and col. 6, ll. 56-58. Burke teaches a process where a consumer pays a retailer more than the going price for an item, and the excess change is retained and distributed to charities of the consumers choice, and at a defined allocation. *See e.g., Burke* at col. 1, ll. 29-33; col. 5, l. 54 - col. 6, l. 45. Applicant respectfully submits that any combination of such diverse references in a way that relates to Applicant's claim 9 would require

invention. Accordingly, Applicant respectfully requests withdrawal of the rejection and allowance of claim 9 for at least this additional reason.

As further examples, independent claims 62-66 include similar limitations to those discussed above in relation to claim 9. Thus, for at least the aforementioned reasons, no prima facie case of obviousness based on the cited references has been made. Accordingly, Applicant respectfully requests withdrawal of the rejections and allowance of these claims for at least this reason. Additionally, each of claims 2-16, and 18-22 properly depend from an allowable independent claim, and are thus also allowable for at least this reason.


Claims 73-75 have been added. As discussed with the Examiner in the aforementioned Examiner's interview, the added claims include sending a request for payment, and receiving a payment associated with the request for payment. For this additional reason, and for all the other reasons discussed above, these claims are also allowable over the cited art.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 303-571-4000.

Respectfully submitted,



Douglas M. Hamilton
Reg. No. 47,629

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834
Tel: 303-571-4000
Fax: 303-571-4321
DMH:sbmDE 7095926 v1

VERSION WITH MARKINGS TO SHOW CHANGES MADE

9. (Twice Amended Herein) A method for applying a group payment to a group, the group comprising a plurality of accounts spanning a plurality of credit products, comprising the steps of:

receiving a payment at a payment processor and entering the payment into a computer system;

determining [**whether**] that the payment is a group payment, wherein determining that the payment is a group payment includes identifying one or more accounts to which the payment is associated and determining that the one or more accounts are associated with a group;

determining which accounts are included in a group payment allocation defined in relation to the group;

comparing the group payment to a group balance, wherein the group balance indicates a liability due in relation to one or more accounts associated with the group payment allocation;

based upon the comparison between the group payment and the group balance, identifying a group payment option using the computer system;

calculating the group payment allocation in the computer system using the group payment option, the group payment, the group balance, and the balances of the accounts included in the group payment allocation; and

applying the group payment to the accounts included in the group payment allocation, wherein a liability associated with one or more accounts included in the group payment allocation is reduced through application of at least a portion of the payment.

10. (As Filed) The method of Claim 9, wherein the step of determining which accounts are included in a group payment allocation comprises:

determining which accounts were included in the group balance on a last group statement.

11. (As Filed) The method of Claim 9, wherein the group balance is a group minimum payment due.

12. (As Filed) The method of Claim 9, wherein the group balance is a group last statement balance.

13. (As Filed) The method of Claim 9, wherein the group balance is a group delinquency amount.

14. (As Filed) The method of Claim 9, further comprising the steps of:
determining whether the group payment is subject to an allocation instruction;

if the group payment is subject to the allocation instruction, then applying the group payment to the accounts in the group according to the allocation instruction.

15. (As Filed) The method of Claim 9, wherein the allocation instruction is a standing instruction that applies to all payments received.

16. (As Filed) The method of Claim 9, wherein the allocation instruction applies to a specific payment received.

17. (Once Amended Herein) A method for applying a group payment to a group, the group comprising a plurality of accounts spanning a plurality of products, including a key account and a dependent account, comprising the steps of:

entering a payment into a computer system;

determining whether [a] the payment is a group payment;

determining whether payment for the dependent account is due from a primary owner for the group or from a dependent cardholder associated with the

dependent account wherein the primary owner for the group is associated with the key account and the dependent cardholder is associated with the dependent account;

determining that [if] payment for the dependent account is due from the primary owner for the group, [then] and applying the group payment to the key account and the dependent account by:

using a computer system to access a database, and to determine a group balance from information accessed from the database;

comparing the group payment to a group balance;

based upon the comparison between the group payment and the group balance, identifying a group payment option;

allocating the group payment between the key account and the dependent account based upon the group payment option, the group payment, the group balance, a key account balance and a dependent account balance; and

applying the group payment in accordance with the allocation to reduce a liability due in association with at least one of the dependent account and the key account.

18. (As Filed) The method of Claim 17, further comprising the step of:
if the group payment exceeds the group balance, then allocating an amount of the group payment that exceeds the group balance to the key account.

19. (As Filed) The method of Claim 17, wherein the group balance is equal to a sum of a key account last statement balance and a dependent account last statement balance, further comprising the step of:

if the group payment equals the group balance, then allocating the payment to the key account and the dependent account to satisfy the key account last statement balance and the dependent account last statement balance.

20. (As Filed) The method of Claim 17, wherein the group balance equals a sum of a key account minimum payment due and a dependent account minimum payment due, further comprising the step of:

if the group payment equals the group minimum payment due, then allocating the group payment to the key account and the dependent account to satisfy the key account minimum payment due and the dependent account minimum payment due.

21. (As Filed) The method of Claim 17, further comprising the steps of:

if the group payment does not equal the group balance, then determining a second group payment option; and

allocating the group payment to the key account and the dependent account in accordance with the second group payment option.

22. (As Filed) The method of Claim 17, further comprising the steps of determining whether the group payment is subject to an override instruction;

if the group payment is subject to the override instruction, then allocating the group payment between the key account and the dependent account in accordance with the override instruction.

62. (Previously Added) A method for applying payments to an account group, wherein the account group includes two or more accounts, the method comprising:

receiving a payment;

comparing an amount of the payment to a group balance, wherein the group balance is an aggregate of two or more balances associated with accounts of the account group;

identifying a group payment option based at least in part on the comparison of the payment to the group balance; and

allocating the payment to one or more accounts within the account group based at least on the group payment option.

63. (Previously Added) A method for applying payments to an account group of two or more credit accounts, the method comprising:

comparing an amount of a received payment to a group balance, wherein the group balance is an aggregate of two or more balances associated with accounts of the account group;

identifying a group payment option based at least in part on the comparison of the payment to the group balance; and

allocating the payment to one or more accounts within the account group based at least on the group payment option.

64. (Previously Added) A method for applying payments to an account group, wherein the account group comprises two or more credit accounts, the method comprising:

comparing an amount of a received payment to a group balance, wherein the group balance is an aggregate of two or more balances associated with accounts of the account group; and

allocating the payment to one or more accounts within the account group based at least on the on the comparison of the payment to the group balance.

65. (Previously Added) A method for allocating a payment between two or more credit accounts combined in an account group, the method comprising:

determining whether the payment is a group payment applicable to the account group;

determining which accounts within the account group that the payment is to be applied;

comparing the payment to an aggregate of balances associated with two or more accounts within the account group; and

based at least in part upon the comparison, calculating the allocation of the payment between one or more accounts within the account group.

66. (Previously Added) A method for allocating payments for an account group, wherein the group of accounts comprises two or more accounts, the method comprising:

calculating an allocation of a payment between two or more accounts within the account group; and

allocating the payment to the according to the calculation.

67. (Previously Added) The method of claim 27, the method further comprising:

receiving the payment.

68. (Previously Added) The method of claim 28, the method further comprising:

determining whether the payment is a group payment.

69. (Previously Added) The method of claim 27, the method further comprising:

determining which accounts within the account group are included in a group payment allocation.

70. (Previously Added) The method of claim 27, the method further comprising:

comparing the payment to a group balance, wherein the calculating the allocation of the payment is based at least in part on the comparison of the payment to the group balance.

71. (Previously Added) The method of claim 31, the method further comprising:

based at least in part on the comparison of the payment to the group balance, identifying a group payment option.

72. (Previously Added) The method of claim 27, the method further comprising:
identifying a group payment allocation, wherein the calculating the allocation of the payment is based at least in part on the identifying the group payment allocation.

Please add the following claims 73-75.

--73. (Added Herein) A method for applying a group payment to a group of accounts, comprising the steps of:

using a computer system, providing a document containing a request for payment, wherein the request for payment includes a payment amount that satisfies an outstanding balance on at least one credit account;

receiving a payment, wherein the payment is associated with the at least one credit account;

using the computer system, identifying a group of accounts associated with the at least one credit account; and

in an automated manner, applying a portion of the payment to the at least one credit account, and to at least one other account within the group of accounts.

74. (Added Herein) The method of claim 73, the method further comprising:

determining that the payment is a group payment;

comparing the payment to a group balance, wherein the group balance is an aggregate of outstanding balances on at least two accounts within the group of accounts; and

wherein applying the portion of the payment to the at least one credit account, and to the at least one other account within the group of accounts is based at least in part upon the comparison between the payment and the group balance.

75. (Added Herein) The method of claim 74, the method further comprising:

identifying a group payment option; and

calculating the portion of the payment to be applied to the at least one credit account, and the portion to be applied to the at least one other account based at least in part on the group payment option.--